

NITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----x  
KARA O'GRADY,

Plaintiff,

Case No. 07 Cv 8207  
Judge Marrero

-against-

**A N S W E R**

PAMELA BUTLER, TIFFANY BUTLER, SINGH  
GURPINDER and PAL MANDEEP,

Defendants,

-----x

Defendants PAMELA BUTLER and TIFFANY BUTLER, by attorneys  
**MARTIN, FALLON & MULLÉ**, answering the Complaint of the plaintiff  
herein upon information and belief:

**FIRST:** Denies any knowledge or information thereof  
sufficient to form a belief as to the allegations contained in  
paragraphs designated "**1**", **7**" **through** "**11**", "**14**", "**15**", "**17**",  
"**18**", "**21**" **and** "**22**" of the plaintiff's complaint.

**SECOND:** Denies upon information and belief each and  
every allegation contained in paragraph designated "**12**", "**13**",  
"**16**", "**19**", "**20**", "**23**" **through** "**26**" **and** "**28**" **through** "**31**" of the  
complaint except.

**THIRD:** Repeats above denials for paragraph designated  
"**27**" of the complaint.

AS AND FOR A FIRST  
SEPARATE AND COMPLETE  
DEFENSE TO THE COMPLAINT  
OF THE PLAINTIFF(S)  
HEREIN, DEFENDANT(S)  
ALLEGE UPON INFORMATION  
AND BELIEF AS FOLLOWS:

**FOURTH:** The accident, injuries and damages were caused  
or contributed to by the plaintiff's culpable conduct and

assumption of risk.

AS AND FOR A SECOND  
SEPARATE AND COMPLETE  
DEFENSE TO THE COMPLAINT  
OF THE PLAINTIFF(S)  
HEREIN, DEFENDANT(S)  
ALLEGE UPON INFORMATION  
AND BELIEF AS FOLLOWS:

**FIFTH:** That plaintiff(s)' injuries were caused in whole or in part by the failure to exercise reasonable care to avoid injury and mitigate damages and to properly use seat belts, harnesses and related safety restraining devices.

AS AND FOR A THIRD  
SEPARATE AND COMPLETE  
DEFENSE TO THE COMPLAINT  
OF THE PLAINTIFF(S)  
HEREIN, DEFENDANT(S)  
ALLEGE UPON INFORMATION  
AND BELIEF AS FOLLOWS:

**SIXTH:** That the Court does not have jurisdiction over the person of the defendants PAMELA BUTLER and TIFFANY BUTLER.

AS AND FOR A FOURTH  
SEPARATE AND COMPLETE  
DEFENSE TO THE COMPLAINT  
OF THE PLAINTIFF(S)  
HEREIN, DEFENDANT(S)  
ALLEGE UPON INFORMATION  
AND BELIEF AS FOLLOWS:

**SEVENTH:** That the plaintiff failed to mitigate damages.

AS AND FOR A CROSS CLAIM  
AGAINST THE DEFENDANTS  
SINGH GURPINDER and PAL  
MANDEEP DEFENDANTS PAMELA  
BUTLER and TIFFANY BUTLER  
ALLEGE UPON INFORMATION  
AND BELIEF AS FOLLOWS:

**EIGHTH:** That if the plaintiff(s) sustained the damages alleged in the complaint through any negligence and/or breach of

warranty other than their own, such damages were caused by and resulted from the negligence and/or breach of warranty of the above-named defendant(s).

**NINTH:** That if the plaintiff(s) recover a verdict against the answering defendant(s) for the damages alleged in the complaint, such liability will have been caused by the negligence and/or breach of warranty of the above-named co-defendant.

**TENTH:** That by reason of the foregoing, if any verdict or judgment is rendered in favor of the plaintiff(s) against the answering defendant(s), then the above-named co-defendant(s) will be liable to the answering defendant(s) in whole or in part, for said verdict and for costs and expenses incurred by the said answering defendant(s) in the defense of this action.

WHEREFORE, the answering defendant(s) demand judgment dismissing the complaint herein and further demands judgment over and against the co-defendant(s) hereinbefore named in whole or in part, for any verdict or judgment rendered against the answering defendant(s), together with the costs and disbursements of this action, and their attorneys fees and expenses incurred herein.

Dated: Huntington, New York  
October 11, 2007

**MARTIN, FALLON & MULLÉ**

By: \_\_\_\_\_  
RICHARD C. MULLÉ  
rcm 2151  
Attys. for Defts. BUTLER  
Office & P.O. Address  
100 East Carver Street  
Huntington, New York 11743  
(631) 421-1211  
File No. 07-5288

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----x  
KARA O'GRADY,

Plaintiffs,

-against-

**DEMAND FOR VERIFIED  
INTERROGATORIES**

PAMELA BUTLER, TIFFANY BUTLER, SINGH  
GURPINDER and PAL MANDEEP,

Defendant,  
-----x

S I R S :

PLEASE TAKE NOTICE, that pursuant to the Federal Rules of Civil Procedure, you are hereby required to serve upon the undersigned written interrogatories in response to the following:

1. State the date and time of day of the occurrence.

A.

2. (a) State the exact location of the occurrence.

(b) If the occurrence took place on premises, set forth the location thereon, so as to be readily identified; if upon a sidewalk or exterior or premises, the distance from the curb and building line and other fixed object.

A.

3. If an automobile accident, state the street or streets, including reference to intersections, crosswalks, corners or curbs where necessary to accurately locate the place; and the direction in which each vehicle involved was travelling.

A.

4. State how it is claimed the accident occurred.

A.

5. State all the acts and/or omissions constituting the negligence claimed.

A.

6. State any and all laws, rules, regulations and ordinances that are claimed to be either applicable to the occurrence or to have been violated by the defendant.

A.

7. (a) If actual notice is claimed, state when, where and to whom such notice was given and whether such notice was oral or in writing.

(b) If it is claimed that constructive notice is chargeable to the defendant, state exactly how long this dangerous condition existed prior to the time of the claimed accident.

A.

8. State what constituted the defect claimed as responsible for the accident; the approximate size of the alleged defect and its location on the premises.

A.

9. State nature and extent of all injuries claimed.

A.

10. Specify those claimed to be permanent.

A.

11. State the respect in which it will be claimed that the plaintiff sustained a serious injury as defined in Insurance law Section 5102(d).

A.

12. Accurately state length of time confined to bed.

A.

13. Accurately state length of time confined to home.

A.

14. State name of each and every hospital, clinic, or institution where any treatment or examination was rendered and length of time, if any, confined there. If not confined to any hospital, etc., so state.

A.

15. If is claimed the plaintiff was treated by a physician other than one at the hospital and/or clinic, give the name of said physician and his address. Accurately state the number of visits it is claimed the plaintiff(s) made to each of the physicians, if any specified above.

A.

16. Does the plaintiff claim that there were any witnesses to the accident.

A.

17. State nature of employment.

A.

18. State name and address of employer.

A.

19. State length of time incapacitated from employment.

A.

20. State the nature and/or type of work customarily performed by the plaintiff.

A.

21. If self-employed, state nature of self-employment and business address.

A.

22. State total amount claimed as loss of earnings, including detailed statement as to how such lost earnings

were computed.

A.

23. If the plaintiff was a student, give the name and address of school attended, at or about the time of the accident and accurately state the length of time incapacitated from attending said school.

A.

24. State the total amounts claimed as special damages for:

- (a) Physicians' expenses.
- (b) Medical expenses.
- (c) Nurses' expenses.
- (d) Hospital expenses.
- (e) Any other expenses which it is claimed resulted from this occurrence.

A. (a)

(b)

(c)

(d)

(e)

25. State the residence address of the plaintiff and state the date of birth of the plaintiff.

A.

26. If this accident involves an automobile, give the year, make and model of each vehicle involved.

A.

27. If a claim for property damage is being asserted, accurately state cost of property alleged to have been damaged and its value before and after the occurrence.

A.

28. Itemized list of the property damage claimed, including the cost of repairing each and every item.

A.

29. If recovery is sought for the cost of medical care, dental care, custodial care or rehabilitation services, loss of earnings or other economic loss, state whether any such cost or expense has been, or will be, indemnified by any insurance, social security, workers' compensation or employee benefit programs.

A.

30. If the answer to the preceding demand is yes, specify the cost or expense reimbursed, the amount of the reimbursements and the source.

A.

31. State whether plaintiff claims that payment by any collateral sources create a legal lien on any recovery in this action. If so, specify the lien claimed and the present amount.

A.

32. With respect to any collateral source payment claimed, state whether plaintiff claims to have paid a premium for the collateral source benefit and specify the amount of the premium paid by plaintiff for the two years preceding the accident.

33. With respect to any collateral source payment claimed for which plaintiff paid a premium, specify the projected future cost to the plaintiff of maintaining the benefit.

34. If a claim is made for loss of services of a spouse, attach a copy of the marriage certificate.

PLEASE TAKE FURTHER NOTICE, that if the above demand is not complied with within the next ten (10) days, an application will be made to preclude the plaintiff from giving any evidence thereof upon the trial of this action, pursuant to the aforementioned rules.



Dated:       Huntington, New York  
              October 11, 2007

**MARTIN, FALLON & MULLÉ**  
Attorneys for Defendant  
Office & P.O. Address  
100 East Carver Street  
Huntington, New York 11743  
(631) 421-1211  
File No. 07-5288

TO:   JAROSLAWICZ & JAROS, P.C.  
      Attys. for Plaintiff  
      225 Broadway, 24<sup>th</sup> Floor  
      New York, NY 10007

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----x  
KARA O'GRADY,

Plaintiff,

-against-

**DEMAND**

PAMELA BUTLER, TIFFANY BUTLER, SINGH  
GURPINDER and PAL MANDEEP,

Defendant,  
-----x

S I R S :

PLEASE TAKE NOTICE, that demand is hereby made upon the attorneys for the plaintiff(s) that within thirty (30) days they serve upon the undersigned duly executed authorizations addressed to any and all hospitals to which the plaintiff(s) was (were) confined allegedly as a result of the matters complained of, as well as to any and all physicians who have examined or treated the plaintiff(s) in connection with his/her (their) alleged injuries; and all medical reports of physicians who have examined or treated the plaintiff(s).

PLEASE TAKE FURTHER NOTICE, that failure to comply with this notice will serve as the basis of a motion to preclude the plaintiff(s) upon the trial of this action from offering evidence as to the treatment rendered at any such hospital or by any such evidence consists of written records or oral testimony.

Dated:       Huntington, New York  
              October 11, 2007

**MARTIN, FALLON & MULLÉ**  
Attorneys for Defendant  
Office & P.O. Address  
100 East Carver Street  
Huntington, New York 11743  
(631) 421-1211  
File No. 07-5288

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----x  
KARA O'GRADY,

Plaintiff,

-against-

**DEMAND FOR  
STATEMENT**

PAMELA BUTLER, TIFFANY BUTLER, SINGH  
GURPINDER and PAL MANDEEP,

Defendant,  
-----x

S I R S :

PLEASE TAKE NOTICE, that demand is hereby made upon you, pursuant to Federal Rule of Civil Procedure Section 26, for a copy of all statements of defendant or the agents and employees of said party. If there be no statements please advise accordingly.

PLEASE TAKE FURTHER NOTICE, that default in complying with this demand within ten (10) days of the date hereof will serve as a basis for objection by the undersigned to the use of such statements upon the trial of this matter.

Dated:       Huntington, New York  
              October 11, 2007

**MARTIN, FALLON & MULLÉ**  
Attorneys for Defendant  
Office & P.O. Address  
100 East Carver Street  
Huntington, New York 11743  
(631) 421-1211  
File No. 07-5288

TO: JAROSLAWICZ & JAROS, P.C.  
      Attys. for Plaintiff  
      225 Broadway, 24<sup>th</sup> Floor  
      New York, NY 10007

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----x  
KARA O'GRADY,

Plaintiff,

-against-

**DEMAND FOR  
WITNESSES**

PAMELA BUTLER, TIFFANY BUTLER, SINGH  
GURPINDER and PAL MANDEEP,

Defendant,  
-----x

S I R S :

PLEASE TAKE NOTICE, that demand is hereby made upon you to furnish the undersigned with a verified statement containing the names and addresses of any and all actual witnesses to the occurrence which is the subject matter of the above litigation and the names and addresses of all noticed witnesses to any claims, negligent condition, within twenty (20) days of receipt of this notice.

In the event that no such names or addresses are currently known, then a verified statement to this effect shall be provided within the above stated time.

PLEASE TAKE FURTHER NOTICE, that this demand is a continuing one and that should such information become known in the future, then said names and/or addresses should be furnished within a reasonable time after acquiring same.

PLEASE TAKE FURTHER NOTICE, that any attempt to introduce testimony at the time of trial or any witness not disclosed will be objected to.

Dated:       Huntington, New York  
              October 11, 2007

**MARTIN, FALLON & MULLÉ**  
Attorneys for Defendant  
Office & P.O. Address  
100 East Carver Street  
Huntington, New York 11743  
(631) 421-1211  
File No. 07-5288

TO: JAROSLAWICZ & JAROS, P.C.  
Attys. for Plaintiff  
225 Broadway, 24<sup>th</sup> Floor  
New York, NY 10007

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----x  
KARA O'GRADY,

Plaintiff(s),

-against-

PAMELA BUTLER, TIFFANY BUTLER, SINGH  
GURPINDER and PAL MANDEEP,

Defendant(s).

-----x  
S I R S :

PLEASE TAKE NOTICE, that demand is hereby made upon you to serve upon the undersigned a list of all those who have appeared in this action together with the names and addresses of their respective attorneys pursuant to Section 2103(e) of the CPLR.

Dated:       Huntington, New York  
             October 11, 2007

**MARTIN, FALLON & MULLÉ**  
Attorneys for Defendant  
Office & P.O. Address  
100 East Carver Street  
Huntington, New York 11743  
(631) 421-1211  
File No. 07-5288

TO:   JAROSLAWICZ & JAROS, P.C.  
      Attys. for Plaintiff  
      225 Broadway, 24<sup>th</sup> Floor  
      New York, NY 10007

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----x  
KARA O'GRADY,

Plaintiff,

-against-

**NOTICE FOR DISCOVERY  
AND INSPECTION**

PAMELA BUTLER, TIFFANY BUTLER, SINGH  
GURPINDER and PAL MANDEEP,

Defendants,  
-----x

S I R S :

PLEASE TAKE NOTICE, that pursuant to Federal Rule of Civil Procedure Section 26, you are required to identify each person you expect to call as an expert witness at trial and disclose in reasonable detail the subject matter on which each expert is expected to testify, the substance of the facts and opinions on which each expert is expected to testify, the qualifications of each expert witness and a summary of the grounds for each expert's opinion.

Dated:       Huntington, New York  
              October 11, 2007

**MARTIN, FALLON & MULLÉ**  
Attorneys for Defendant  
Office & P.O. Address  
100 East Carver Street  
Huntington, New York 11743  
(631)421-1211  
File No. 07-5288

TO:   JAROSLAWICZ & JAROS, P.C.  
      Attys. for Plaintiff  
      225 Broadway, 24<sup>th</sup> Floor  
      New York, NY 10007

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X

KARA O'GRADY,

Plaintiff(s),

-against-

**NOTICE FOR DISCOVERY  
AND INSPECTION**

PAMELA BUTLER, TIFFANY BUTLER, SINGH  
GURPINDER and PAL MANDEEP,

Defendant(s),

-----X

S I R S :

**PLEASE TAKE NOTICE**, that pursuant to Rule 34 of the FRCP, plaintiff is required to produce and permit defendant to inspect and/or copy on October 12, 2007, at the office of **MARTIN, FALLON & MULLÉ**, 100 East Carver Street, Huntington, New York 11743, the following:

1) Photographs showing property damage to the vehicles or photographs of the scene.

**PLEASE TAKE FURTHER NOTICE**, that in the event said material is not produced for inspection and/or copying as required herein, the undersigned will move this Court to invoke penalties applicable under Rule 3126, CPLR, et seq.

Dated:       Huntington, New York  
              October 11, 2007

**MARTIN, FALLON & MULLÉ**  
Attorneys for Defendant  
Office & P.O. Address  
100 East Carver Street  
Huntington, New York 11743  
(631) 421-1211  
File No. 07-5288

TO:   JAROSLAWICZ & JAROS, P.C.  
      Attys. for Plaintiff  
      225 Broadway, 24<sup>th</sup> Floor  
      New York, NY 10007





UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----x  
KARA O'GRADY,

Plaintiff,

-against-

PAMELA BUTLER, TIFFANY BUTLER, SINGH  
GURPINDER and PAL MANDEEP,  
Defendants,

**NOTICE TO TAKE  
DEPOSITION UPON  
ORAL EXAMINATION**

-----x  
S I R S:

**PLEASE TAKE NOTICE**, that pursuant to Rule 30 and 37 of the Federal Rules of Civil Procedure the testimony, upon oral examination, of all parties, whose address is c/o his/her attorneys as a(n) adverse party will be taken before a Notary Public who is not an attorney, or employee of an attorney, for any party or prospective party herein and is not a person who would be disqualified to act as a juror because of interest or because of consanguinity or affinity to any party herein, at **the office of Jaroslawicz & Jaros, LLC, 225 Broadway, 24th Floor, New York, NY** on the **13th** day of **November, 2007** at 10:00 in the forenoon of that day with respect to evidence material and necessary in the defense of this action:

That said person to be examined is required to produce at such examination the following:

Any and all information with regard to an accident which is the subject of the above lawsuit.

Dated:       Huntington, New York  
              October 11, 2007

**MARTIN, FALLON & MULLÉ**  
Attorneys for Defendant  
Office & P.O. Address  
100 East Carver Street  
Huntington, New York 11743  
(631) 421-1211  
File No. 07-5288

TO: JAROSLAWICZ & JAROS, P.C.  
      Attys. for Plaintiff  
      225 Broadway, 24<sup>th</sup> Floor  
      New York, NY 10007

**AFFIDAVIT OF SERVICE**

STATE OF NEW YORK )  
 ) ss  
COUNTY OF SUFFOLK )

**VERONICA CROSSLEY**, being sworn says: I am not a party to the action, am over 18 years of age and reside at Bay Shore, New York. On October 12, 2007, I served a true copy of the annexed ANSWER, DEMANDS, NOTICE FOR D & I, NOTICE FOR EBT by mailing the same in a sealed envelope, with postage prepaid thereon, in a post office of official depository of the U.S. Postal Service within the State of New York addressed to the last known address of the addressee(s) as indicated below:

Jaroslawicz & Jaros, LLC  
225 Broadway, 24th Floor  
New York, NY 10007

\_\_\_\_\_  
VERONICA CROSSLEY

Sworn to before me on October 12, 2007

\_\_\_\_\_  
Notary Public